

City of Mississauga Department Comments

Date Finalized: 2023-05-19	REVISED	File(s): B10.23 Ward: 8
To: Committee of Adjustment		
From: Committee of Adjustment Coordinator		Meeting date:2023-05-25 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 312.00m (approx. 1023.62ft) and an area of approximately 3.933 hectares (approx. 9.719 acres).

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 0 Ninth Line and 3005 Ninth Line

Mississauga Official Plan

Character Area: Western Business Park Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-93 - Employment

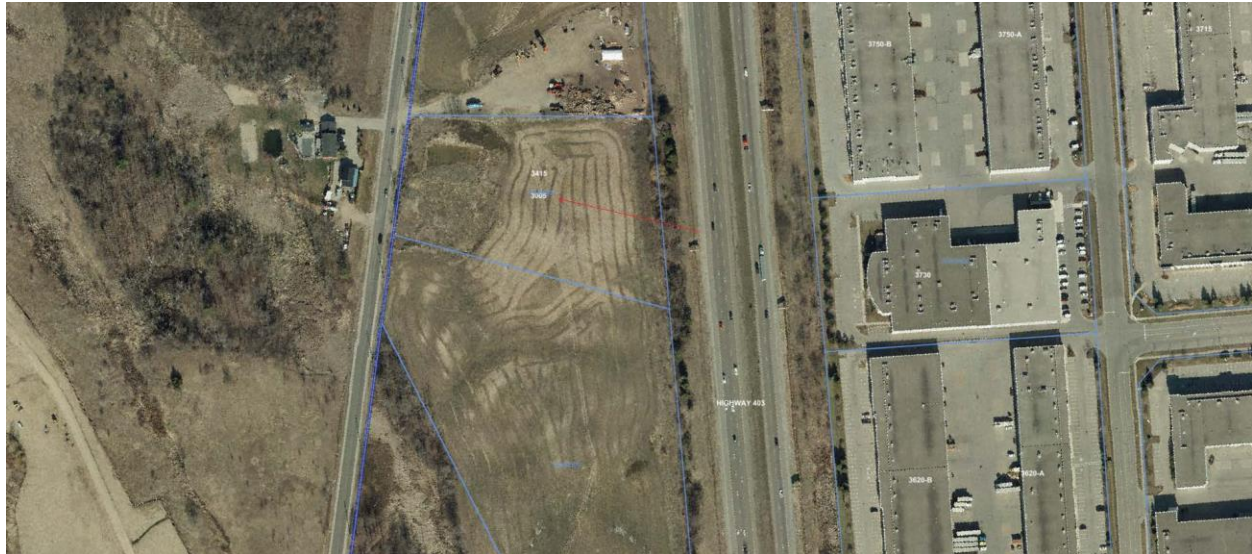
Other Applications: OZ 20/16

Site and Area Context

The subject property is located on the east side of Ninth Line, south of the Burnhamthorpe Road West intersection. It abuts Highway 403 to the east and the Town of Oakville to the west.

Currently the lands are vacant with no landscaping or notable vegetative elements. This portion of Ninth Line contains predominantly vacant land, with the exception of some commercial uses, a school and a cemetery. The lands east of Highway 403 contain an industrial complex comprised of industrial and commercial uses.

The applicant is proposing to sever a parcel of land from the existing property.



Comments

Planning

Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

Provincial Matters

The Provincial Policy Statement 2020 (PPS 2020) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the application for consent are as follows:

The applicant is proposing to sever a parcel of land for the creation of a new lot. The proposed use of the lands include a place of religious assembly and private community services centre. Staff note that the E2-93 zone, which applies to the entire property, only permits cemetery and active recreational uses. As such, the applicant has submitted application OZ 20/16 to permit the above noted uses and to address technical development standards such as parking.

Planning staff has discussed the applicant's proposal with the development planner reviewing application OZ 20/16, and are of the opinion that the consent application is premature. The applicant is encouraged to address outstanding matters relating to site servicing through the active rezoning application.

As such, Planning staff recommend that the application be deferred.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

For Committee's information, the subject property is situated on the east side of Ninth Line within the City of Mississauga's most westerly boundary. The boulevard frontage of the subject property is Ninth Line and is under Halton Region & Town of Oakville jurisdiction. All matters pertaining to site access, sanitary, storm or water services will be under their review/approval.

The applicant has filed a Rezoning Application with the City for the for the subject parcel under File OZ-20/016 where they have proposed a place of religious assembly as phase 1 and a secondary building as part of phase two of the development when servicing is available. Internal storm drainage retention matters for the interim and overall development of the site will be addressed through the Rezoning application.

With respect to the current vacant lands, this department has no comments or conditions with respect to the transfer of the subject vacant parcel as development related matters can be addressed through the current Rezoning Application and any future Site Plan Application or Building Permit application.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

Zoning has no objection to the Consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 0225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete.

We further advise that the proposed lot frontage is to be calculated in accordance with the following definition:

- The applicant is advised that Lot Frontage means the horizontal distance between the side lot lines and where these lines are not parallel means the distance between the side lot lines measured on a line parallel to and 7.5 m back from the front lot line.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the consent application and wishes to impose the following condition(s):

1. The applicant shall provide a cash contribution of \$19,966.79 for the planting thirty-one (31) street trees on Ninth Line. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

In addition, Community Services notes the following:

1. Payment for street tree fees and charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga. Please contact Nicholas Rocchetti regarding the payment process.
2. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Park Planning

Appendix 4 – Heritage

The property has archaeological potential due to its proximity to a present or past watercourse or known archaeological resource. The applicant should contact the Ministry of Citizenship and Multiculturalism to determine the archaeological concerns related to the application. A letter from the Ministry of Citizenship and Multiculturalism confirming that all archaeological resource concerns have met licensing and resource conservation requirements for the property must be submitted to Heritage Planning.

Comments Prepared by: Andrew Douglas, Heritage Analyst

Appendix 5- Hydro One

We are in receipt of your Application for Consent, B10-23 dated April 27, 2023. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

Comments Prepared by: Dennis De Rango Specialized Services Team Lead, Real Estate

Appendix 6- Conservation Halton

The subject properties at 0 Ninth Line and 3005 Ninth Line are in proximity a Provincially Significant Wetland (PSW), specifically the North Oakville-Milton East Wetland Complex. CH regulates a distance of 120 metres from the limit of PSWs. Portions of the subject properties are regulated by CH as they are between 30 and 120 metres of, but they do not contain any CH regulated features or hazards. Therefore, the proposed severance would not result in the creation of a new lot that contains regulated features or hazards, or further fragmentation of ownership of the regulated features or hazards. Staff note that permission is required from CH prior to the initiation of development (structures, fill, grading, creation of a new lot, etc.) on CH Regulated properties, and must meet CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06* (<https://conservationhalton.ca/policies-and-guidelines>). Development within CH's regulated area can be restricted and, in some cases, not permitted.

Given the above, CH has **no objection** to the approval of the requested severance (and have not charged the applicant a review fee for this submission). Should any changes to the proposed development arise through the Consent application process, please keep CH apprised.

Comments Prepared by: Colleen Bain, Environmental Planner

Appendix 7- Region of Peel

Consent Applicant: B-23-010M – 0 Ninth Line, 3005 Ninth Line

Development Engineering: Bernadette Sniatenchuk (905) 791-7800 x8589

Comments:

- This site does not have frontage on existing adequate municipal water. There is a 200mm diameter watermain on Ninth Line. In the associated rezoning application (Regional file RZ-20-016M), it was already determined that this 200mm watermain did not have enough capacity to meet the Phase 1 domestic and fire demands, and connection of this development to the watermain may have a negative impact to current customers serviced from this watermain. The conclusion provided was that the 200mm watermain is required to be upgraded to a minimum 300mm watermain.
- This site does not have frontage on existing municipal sanitary sewer. There are no planned sanitary sewer projects to bring sanitary sewer to this area and to the subject site. The current capital plans do no planned projects. Timing is unknown at this time. MECP approval and review may be required by the City due to the size of the onsite wastewater treatment. The Region has no comments on this as it is not the Region's jurisdiction.
- Please be advised that through the associated rezoning application, a satisfactory Functional Servicing Report (FSR) for the site is required. A revised FSR was submitted, dated December 2021, for Phase 1, which is the place of religious assembly building. The demand tables in the report are the same ones that were modelled in the previous FSR, dated April 2019. Through the pre-consultation meeting in July 2019, the Region requested a hydrant flow test to complete the analysis. The hydrant flow test was not submitted. This information is required, and confirmation of the water analysis shall be completed prior to rezoning approval. This will also confirm the required size for the

upgraded watermain. As per the analysis in 2019, it appears that a 300mm will be sufficient however, this needs to be confirmed. The December 2021 FSR will be sent for another analysis once the hydrant flow tests are received, still pending receipt. Furthermore, the FSR was not stamped and signed by the consulting Engineers.

- Please be advised that prior to associated rezoning application approval, a full Engineering Submission is required for the construction of the infrastructure which is to be further confirmed once the Functional Servicing Report is modelled. The infrastructure must be operational/commissioned by the Region prior to Region of Peel Site Servicing Connection approval. Servicing of this site may require municipal and/or private easements and the construction, extension, twinning and/or upgrading of municipal services. All works associated with the servicing of this site will be at the applicant's expense. The applicant will also be responsible for the payment of applicable fees, DC charges, legal costs and all other costs associated with the development of this site.

Planning: Patrycia Menko (905) 791-7800 x3114

Comment:

- The subject land is located in the regulated area of the Halton Region Conservation Authority (HRCA). We rely on the environmental expertise of the HRCA for the review of development applications located within or adjacent to the regulated area in Peel and their potential impacts on the natural environment and the impact of natural hazards on proposed development. We, therefore, request that City staff consider comments from the HRCA and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the HRCA.

Comments Prepared by: Patrycia Menko, Junior Planner

Appendix A – CONDITIONS OF PROVISIONAL CONSENT

SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.

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3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated May 16, 2023.
5. A letter shall be received from the City of Mississauga, Park Planning, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated May 16, 2023.